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HUMANISTIC CRIMINOLOGY: FUTURE PROSPECTS*

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ABSTRACT

The present paper focuses on several prominent organizational and ideological aspects of academic criminology and the criminal justice system in an effort to assess the prospects of developing a criminology that is informed by humanistic concerns. The conclusion is that, for the immediate future, the prospects are minimal.

INTRODUCTION

Before considering the future prospects for humanistic criminology, the terms humanism and criminology need defining. Though humanism has meant many things to many people, its unifying thread is a concern for the worth, dignity, rights, responsibilities and fulfillment of the person (Cheyney, 1932; Schiller, 1932; Sutich and Vich, 1969:8) and relevant social reforms. The following pages concern the prospects of creating a criminology that is consistent with these matters.

While, for most people, criminology is a body of special knowledge or an academic discipline, it is regarded here as a process consisting of the

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activities of representatives of the criminal justice system, with academic criminology constituting only one element in the larger whole. This perspective is intended neither to trivialize academic criminology nor to ignore its relationship with applied criminology. Rather, this definition accords with my belief that a vital humanistic criminology calls for humanistic principles to give form to the institutionalized activity that impacts most directly on people's lives. In short, this definition affords a means of focusing on humanistic tendencies where they matter most--in the affairs of everyday life.

With these two definitions in mind, let's consider the current condition of the criminological enterprise relative to embracing a humanistic perspective, giving special attention to its ideological and organizational features.

HUMANISM IN CONTEMPORARY CRIMINOLOGY

Though academic humanism has a long and distinguished history (Lee, 1973; Goodwin, 1983), its concerns and perspectives are manifest in the criminological enterprise only in a relatively minor sense. Evidence of this is found in both practical crime control policy as well as academic criminology. Comments on both are in order.

Crime Control Policy

We begin by noting that the practicalities of operating the crime control apparatus are the responsibility of a relatively small cadre of people. As a collectivity, these functionaries are hardly unique. Overall, they are ordinary human beings and may be expected to behave accordingly. This suggests that the majority of these practitioners have likely internalized prevailing (official) models of humankind and society, as well as "taken-for-granted"

explanations of behavior that inform the activities of the crime control establishment and popular ideas regarding the "crime problem." In short, their work is likely to reflect the current orthodoxy.

Thus, it is plausible to suggest the bulk of crime control practitioners pose no significant challenge either to the processes engaged in or to the philosophical/ideological stuff by which they are rationalized. That is, few criminologists are inclined to engage in a genuinely radical or creative examination of the social reality used to make sense of their activities. Among the reasons for this is that official reality is subject to constant reinforcement in the course of daily professional activity. A reluctance to engage in critical appraisal is further reinforced by the expertise and authority claimed by and granted to practitioners, as well as the tendency for personnel to legitimate their work on the basis of the practical necessities and organizational imperatives. An example may serve to make the point.

As shown by Shover's (1984) research, novice corrections workers are subject to rather systematic socialization by older workers, through whom they are introduced to work routines, given examples of how reports on inmates are to be written, and learn what kinds of information about offenders is and is not considered useful and important. Differences between the work of the novice and the veteran are resolved in favor of the veteran. Pertinent to our present concern is that novices soon learn that the reports they write about prisoners serve primarily to rationalize policy decisions made on the grounds of what is regarded as necessary to promote the smooth and efficient operation of the organization. Reports are largely irrelevant to "treatment" or "rehabilitation." Shover notes, "what they write about convicts seems to be much less important than merely writing something." So long as they generate reports that satisfy the organizational need for a justification of the convict's presence in prison,

their work is evaluated as satisfactory" (1984:71; italics in original).

Realization of this fact by workers is often followed by disillusionment, a decline in their faith in the utility of the system, and a sense of cynicism concerning the profession and its practitioners. Many leave the corrections field to avoid being "trapped." Others find it necessary to accommodate to and accept the status quo. Thus, among those who remain in the profession there exists a reluctant acceptance of current orthodoxy overlaid with marked cynicism, the same sort of cynicism that has been found among police (Niederhoffer, 1967), probation officers (Blumberg, 1967), and public defenders (Sudnow, 1965). In each instance there is a realization that the "service ideal" and client needs are subordinate to organizational needs. At best, then, the development of a genuine professionalism is problematic; so, too, is the likelihood of a critical and humanistic orientation.

Related to this is the major organizational feature of the criminological enterprise, viz., its bureaucratic nature. Accordingly, agencies within the system display a hierarchical ordering of personnel who rely on formal rules and regulations (a "theory" of office) to govern relations with clients and solve problems. By definition, personnel are arranged in layers, each layer's occupants being informed by a somewhat different reality, with no one in a position either to acquire a valid comprehension of the system as a whole or to influence the system so as to effect a significant change in modus operandi. Moreover, given a reliance on formal rules and regulations for guidance, personnel are encouraged (in many instances, pressured) to deal with clients only in terms of their identity as rule breakers. Again, in contrast to dealing with persons, functionaries deal with cases according to organizational guidelines (Sudnow, 1965; Lundman, 1980:20; Shover, 1984). Cases are devoid of personal and idiosyncratic features; the human elements are systematically ignored in favor of their

typical features. Routinization promotes organizational goals at the expense of the personal needs and interests of the client population. In short, bureaucracies dehumanize.

It seems, then, that a gulf exists between everyday affairs of crime control agencies and their official *raison d'etre*. Nonetheless, we cannot ignore the alleged trend toward humanizing law enforcement practices in this country, especially in the disposition of offenders and the reduction in the harshness of penalties. However, the long term changes that have occurred can hardly be the basis for satisfaction since they are no more than mere tokenism. They have been a long time coming, are far from securely established, and do not satisfy the essential meaning of humanism. While most of the repugnant and beastly methods of punishment of prior times have been suspended, the present age has its own forms of structural violence, brutalization (including sexual exploitation), and psychological, economic and social victimization (Sykes, 1958; Wicker, 1975; Foucault, 1977; Bowker, 1980; Lockwood, 1980; Wooden and Parker, 1982; Hardert, et al, 1984:21). Further the reinstatement of capital punishment and the insistent call for more certain and severe penalties (e.g., the new classicism of van den Haag and Wilson) in the name of deterrence by incapacitation, as well as the current increase in prison populations reflect "part of a general trend toward punishment" (Sutherland and Cressey, 1978:653; emphasis added) and suggest how tenuous any "progress" toward humanism has been. Despite the lack of evidence supporting the efficacy of punishment or a policy of selective incapacitation (Greenwood, 1982, 1984; von Hirsch, 1984), we continue to sentence a higher proportion of our citizenry to prison for characteristically longer periods than other industrialized nations. Far from the sanitized places sometimes portrayed in fiction and the media, prisons continue to be places that impose random and unpredictable vengeance on inmates and often "discharge bitter, mangled men bent on revenge" (McCoy, 1981:193). Further, arguments

supporting punitive policies, e.g., van den Haag's (1975:56-58) mechanistic, cost-benefit ratio approach to punishment and crime control (Jeremy Bentham in modern dress?), are simply the most recent attempt to legitimate standard crime control methods. This suggests the crime control enterprise is dehumanized--out of touch with those it was intended to understand and serve. The economic calculus advocated by van den Haag and others suffers from the elimination of the human factor (Schumacher, 1973:74).

A non-humanistic orientation is also found in the definition of the justice system contained in the still relevant report of the President's Commission on Law Enforcement and Administration of Justice, viz., that it is the "apparatus for apprehending, prosecuting, convicting, and sentencing those who violate the basic rules of group existence" (1967:7). In short, the justice system consists of a series of bureaucratic procedures having little or no relationship to justice or to humanism. However, the virtue of that definition is its descriptive validity and its reference to a pervasive and stubborn condition. Carried out under the aegis of "total institutions" (Goffman, 1961), arrest, detention, arraignment, pleading, sentencing, and imprisonment tend to be dehumanizing and brutalizing experiences having little or no discernible relationship to long term individual or community benefits. Ajudicative processes seem to be designed for the registry of ever larger numbers of people, usually the poor and minorities (Reiman, 1979; N.Y. Times, 4/9/84). The callous and indifferent routinization of everyday procedures in these agencies is consistent with the belief that their success is measured by numbers of cases handled rather than by the quality of service provided (Waegel, 1981). In short, such agencies ignore the human condition; at worst they promote its deterioration.

In characterizing the criminological enterprise as dehumanized, I am not unaware of specific instances that reflect genuine humanistic concerns. However,

most of these instances seem to be exceptions proving the rule or cases of "business as usual" overlaid with humanistic sounding euphemisms that lead people to misperceive. We are in a period when images count for more than substance, when sanitized terminology and the skillful use of money, media, and information control are used to legitimate public policy (Mueller, 1975; Hardert, et al, 1984:392-393). When the "hole" is replaced by "quiet rooms" or "meditation rooms," and when "bad asses" are replaced by people with "attitude problems" the public is led to believe something substantive has occurred. Such euphemisms divert criticism by masking dehumanizing procedures and lending legitimacy to the justice system, but more with an eye for the administration of justice than the justice of administration.

The use of language and other symbols to "sanitize" is seen in the case of New York City where the remodeled Tombs prison displays circus colors, molded plastic chairs, neon lights, gymnasias and other aspects of a "state of the art" jail (N.Y. Times, 10/17/83:1 and 12). However, simultaneously with the opening of the remodeled Tombs came the story of a 21 year old "child of bureaucracy" who, though acknowledged to be mentally retarded and a victim of a system that "shelters and feeds" but does not "confront [client's] problems or prepare them for life," was sentenced by the New York court to 1½ to 4 years in prison for burglary. This, despite the court acknowledging that the man's troubles are very much a consequence of the defects of a foster home care system in which he spent his entire life after age 5 months (N.Y. Times, 10/17/83:12; 10/20/83:17). These examples reflect the pursuit of short run superficial innovation rather than long-run substantive change, the sacrifice of people issues for the sake of appearances, and the primacy of the state's intent only to punish and control.

Academic Criminology

A similar lack of humanism seems to characterize academic criminology. Despite the intellectual ferment of the late 1960's and most of the 1970's, (Friedrichs, 1970; Gouldner, 1970), relatively little has occurred to suggest sociology (including academic criminology) has moved far from its traditional orientation, or that a radical, critical, or humanistic criminology is more than a minority view.

Evidence for this allegation is found in criminologists' writings dealing with the purpose and goal of their discipline. A brief, non-random examination of 12 general criminology textbooks in print⁴ revealed only two (Galliher and McCartney, 1977 and Hartjen, 1978) that refer to humanism as either a fundamental concern of academic criminology or a matter of relevance to the criminal justice system. Certainly, the general absence of a humanistic concern may mean many things, and we may not assume its omission reflects a lack of appreciation for the humanist perspective. At the very least, however, one may assume the bulk of these authors did not find the matter to be sufficiently central to warrant more than brief consideration.

These texts also were examined to determine if authors regard reform of the human condition (defined in terms other than simply controlling crime) to be one of criminology's goals. One author (Sykes, 1978:6) makes indirect reference to humanistic concerns by considering the prevention of crime via environmental modification; another refers to the reduction of pain and suffering in the world as a practical objective of criminology, a goal defined as comparable to the provision of "good medical care, good nutrition, and decent housing for all" (Sutherland and Cressey, 1978:24). Finally, Sutherland and Cressey note that compiling evidence supporting the wisdom of decriminalizing some crimes is a concrete way criminologists may work to reduce pain and suffering of offenders who broke laws

prohibiting participation in widespread, largely innocuous pleasures. Again, only Galliher and McCartney (1977) and Hartjen (1978) consider the discipline's potential for promoting broad social ideals or implementing the principles of humanism.

This is not to say these texts entirely ignore the radical, Marxist, critical, or humanist orientations. Exclusive of the Galliher and McCartney and Hartjen texts, the works examined devote some space (ranging from three paragraphs to about 14 pages) to these perspectives. However, though discussed, these perspectives tend to be portrayed as variants of conflict sociology, possibly another "fad", and lacking precision and conceptual sophistication (Sykes, 1978:21). At best, humanist orientations tend to be treated with reserve; at worst, they are seen as simply irrelevant.

Criminology as Organization

An appreciation of the preceding comments requires consideration of one final element shared by the criminal justice and academic branches of the criminological enterprise. Specifically, criminology is a publicly financed enterprise, consisting either of departments/agencies within the criminal justice system or, in academe, of publicly supported teaching/research units. In an important sense these units operate as interest groups and may be expected to give first priority to their organizational welfare. The question arises, then, how may a vital humanistic criminology arise and flower among agencies whose survival depends on satisfying the expectation that their operation be consistent with existing social arrangements, prevailing constructions of meaning, the interests of dominant power groups, etc.? How shall the output and activity of these agencies be rendered more humanistic in the face of bureaucratic and dehumanizing pressures?

The implications of public dependency for elements of the criminal justice system parallel

Norman Goroff's (1982:409) suggestion about social work and social workers, viz., the enterprise and its functionaries are properly described as political in that they are representatives of the state and dare not run counter to Leviathan's wishes. The fate of those who do is seen in the case of the Community Legal Services and the Legal Services Corporation as well as President Reagan's efforts to reconstitute the U.S. Civil Rights Commission as a result of Commission member's criticizing his policies concerning blacks, women and Hispanics (N.Y. Times, 10/26/83:2). Underlying this condition is a fundamental organizational operating principle, viz., maximize rewards and minimize strains. Whether in the justice system or elsewhere, that principle can have a chilling effect on fundamental procedural innovations.

Related to this is the situation faced by academics, viz., the opportunity to satisfy the expectation to do research and publish is to some degree dependent on the orthodoxy of one's material. For researchers, there is the problem of securing funds for projects that are independent of (not to say in conflict with) the orientation of funding agencies. Who would contest the idea that such agencies at present are principally governmental? Further, publishers and journal editors commonly define acceptable stuff as that which has a potential for attracting a substantial segment of an already crowded market. Rarely does this include the unorthodox. A result is that perspectives such as the humanistic are less likely to find acceptance because they reflect neither a popular model of humankind or society nor the official definitions of crime.

It is at this point that we note a fundamental "flaw" in contemporary academic criminology and the public policy for which it serves as apologist. Specifically, I refer to the positivist/empiricist orientation dominant in academic and practical criminology during this century and its accompanying consciousness.

Among the implications of this orientation is that the bulk of academic criminology concerns itself with the question of "why people commit crime", a question reflecting the taken-for-granted assumptions that: crime is an objective condition; that some people do not commit crime; that a substantively meaningful distinction can be made between the supposedly real categories of offenders and non-offenders; and that, once they are differentiated from others, offenders can be studied in terms of the impersonal forces (social and otherwise) that lead them behave differently. It is assumed that when these forces are identified, the problem of crime can be brought under control.⁵ Commitment to this orientation runs so deep that even the mountain of fruitless data compiled by positivists seem incapable of promoting substantial change.

This steadfastness reveals another facet of positivism. Specifically, I refer to the consciousness promoted by positivist empiricism, a consciousness leading to greater emphasis being placed on epistemological than ontological concerns, that seems to attach more importance to methodological than to substantive matters, and that assigns more importance to reliability than validity.⁶ As a result, there is a tendency to ignore the idea that the questions being pursued could be vacuous. Instead, it is taken as an article of faith that if "answers" are unsatisfactory it is due to faulty methods rather than faulty questions. Thus, orthodox criminology tends to persist in its concern over deterministic explanations of criminal behavior, is more concerned with "the crime problem" than with "the problem of crime," and is less than fully attentive to the relationship between the latter and the social order (Michalowski, 1985:4ff).⁷

As such, mainstream academic criminology seems more interested in the manipulation of variables and second order constructs than in grappling with the pluralistic world people experience. As Otto Larsen has noted, "the failure [of academics] can often be

attributed to an obsession with abstract concepts that leads to a masking of the social experience that [they] are attempting to comprehend" (1976:ix). Downes and Rock also propose that "sociologists who lean on external accounts and objective evidence can have no appreciation of why people act. Neither can they apprehend environments and history as their subjects do. They are imposing an alien explanation whose links with a problem are a little tendentious" (1982:37). The price of that obsession with a world of abstractions is the sacrifice of the opportunity to implement a genuinely grounded, existential and humanistic perspective.

In summary, most criminologists, it seems, are guided by assumptions that ignore the element of human agency and that are the antithesis of a humanistic perspective. Overall, rather than promoting greater sensitivity to or understanding of humankind, these guiding and unquestioned assumptions sustain a dehumanizing public policy as well as an academic orientation that largely fails to appreciate law and crime as products of the myriad contradictions and conflicts, the dialectic, of a complex society.

CHANGES AND THEIR PROSPECTS

The preceding remarks suggest that a turn toward humanism requires change in the conceptual stuff of orthodox academic criminology as well as in the standard, taken-for-granted understandings underlying the functions of the criminal justice system. Let's talk of specifics. Regarding perspectives on crime/criminals, a humanistic orientation would require the adoption of markedly different perspectives than now prevail. As one example, Tift (1979:382ff) suggests that current ideas concerning crime rest on the principle of legality and rely on the legal to protect against appropriation of human or extra human resources. By definition, a humanistic orientation would require abandoning the principle of legality for that of justice, and adopting a perspective that defines crime retrospectively rather

than prospectively as at present. That is, from a humanistic perspective, what is fair and just, might best be defined after the fact rather than before. To be sure, since defining specific events as crime is always a matter of classifying acts after they have occurred, the application of law is a retrospective exercise. But Tifft is suggesting something more; to the degree the prevailing system of prospective legality supports a hierarchical and stratified system that is, by and large, advantageous to a select and powerful segment of the population, and because prospective legality is inclined to defend property rights in preference to human needs, that system would have to be dismantled in order to establish a just and humanistic criminology. Yet, because the bulk of practicing criminologists identify with the prevailing system, the prospect for change in the near future appears to be somewhere between nil and zero.

Another needed change is abandonment of the tendency to define expert knowledge as inherently superior, more revealing and more valid than lay knowledge. Such change would simultaneously call for abandoning the tendency to allow expert knowledge to be shaped by and subordinate to conventional research methods. The imbalance favoring hard positivism and empiricism needs to be corrected in favor of greater reliance on field methods and ethnographic types of research (following the course suggested by such scholars as Polsky (1967), Denfeld (1974), Warren (1974), Weppner (1978) and others. In turn, this might serve to expand our appreciation of the complex, morally pluralistic society we live in, and provide a more secure place in academic criminology for perspectives other than those reflecting a spurious morality -- sometimes referred to as the dominant or public morality. If humanism is to mean anything, scholars must be free and open to impartial consideration and use of alternative perspectives, techniques, and programs. In the academic there must be renewed effort to avoid positions best characterized as doctrinaire.⁸ Yet, as sure as I am of the need for such changes, I am equally skeptical

of many criminologist's willingness to accept them. One need only note the resistance to acknowledging the general validity and meaningfulness of the labeling perspective (Gove, 1980). The dominion of orthodoxy must be overcome and replaced by an acknowledgement of the multiplicity of social realities and an awareness that even the interpretations of criminologists are mere social constructions. Criminologists might benefit by modeling themselves after the Dancing Wu Li Masters (Zukav, 1979).

Related to the foregoing are a number of seemingly mundane but critical issues. For example, how realistic is it to anticipate a significant alteration in people's beliefs about the status quo when they feel they have a stake in its maintenance? How shall we dissuade people from identifying with the purpose and operation of agencies from which they believe they derive benefit? How shall we dissuade people from embracing and legitimizing the definitions and constructions of reality they use to make sense of their world and from which they believe they derive satisfaction? The point of such questions is that the various agencies of the criminal justice system and the ideological stuff that gives them legitimacy are things with which many people identify and to which they assign great importance. To be sure, some people are extremely dissatisfied and disenchanted with certain aspects of the operation of the system, as well as with the work of the highest office holders in the nation. They also may be terribly ill-informed about the workings of the system (Arizona Republic, 10/22/83:A-1). However, dissatisfaction, disenchantment and ignorance may not equate with a readiness for radical change. Certainly, the past few decades have witnessed shifts in values and ideas concerning the general matter of doing justice. One is reminded of the ferment linked with the counterculture of the 1960's and 1970's, including its skepticism about crime, criminality, and the administration of law. Just as it would be easy to overemphasize the practical impact of that ferment, so too would it be unrealistic to anticipate early or significant revi-

sion of the basics of the criminological enterprise. But there is more.

A vital humanistic criminology must be responsive to human needs and, consequently, might best be linked to a sociology of human rights (Hartjen, 1978; Young, 1981, 1984a, and 1984b). While I am sympathetic to such a criminology, I suggest that its appeal, to some degree, likely rests on its generality. However, because a meaningful criminology must at some point get down to details, let's turn to some specific questions that a few criminologists have raised but that none seem to have resolved.

For example, if the expansion of human rights is the goal of a humanistic criminology, what rights are being considered, and to whom shall these rights be granted? Second, how shall the extension of these rights be secured and maintained? Concerning the first question, Hartjen (1978:226) suggests a humanistic criminology would be concerned with securing freedom from tyranny, repression, and oppression, whatever their form or source. Again, I am surely in favor of such things. But I also recognize that we exist in an incredibly pluralistic society wherein power shifts constantly (Wrong, 1968 and 1979). For very practical reasons, then, it is probable that at some point realization of one group's sense of right and justice will lead others to experience conditions they perceive as threatening, frightening, etc. Since "one man's meat is another man's poison," whose definition shall prevail? Whose rights shall take precedence? And, when rights are seen as mutually exclusive, on what grounds shall one set be given priority over another? It seems inevitable that in a morally pluralistic society such questions always will persist and that their resolution undoubtedly will result in some measure of perceived misery. The pursuit of abstractions will not suffice to resolve the dilemma.

As to the second question, because the state rests on an organized interest structure and is an

interest group in its own right, it does little good to assign the responsibility for attending to these matters to that entity. Surely, no one with an awareness of history can realistically regard the state as a dependable guardian of human rights. As Platt has noted (1969), the state has been far less concerned with protecting the victims of dehumanizing conditions than with protecting society from their anticipated depredations. How shall we assure that human rights will be granted to representatives of all groups, recognizing that the assignment of respect and contempt are indeterminate and shifting conditions? A simple case in point is the criticism heaped on the American Civil Liberties Union for trying to safeguard the constitutionally guaranteed rights of unpopular groups. In short, if among the fundamental rights to be secured is the "right to be different," we seem eons away from its realization.

More, if the state's record in defense of human rights is less than encouraging, on whom or what shall we rely to resolve these basic issues? Hartjen has proposed that "the definition of what constitutes fundamental human rights is for the individual to decide [and their pursuit should be] left to the marketplace of conflicting ideologies" (1978:226). Unless I completely misunderstand, that is an invitation to perpetuate the very condition humanists seek to eliminate, i.e., a condition in which conflicting, often mutually exclusive interests compete with one another for legitimation in law. Given our system of doing justice, that competition invariably ends to the advantage of one and detriment of the other.

Another way to address this basic issue is suggested by Chambliss and Seidman (1982). In our society, formal legal dispute settlement most often follows a pattern characterized as "winner-takes-all," a pattern rooted in a society in which disputants are so dissociated from one another as to be unconcerned with any lasting sense of antagonism or feelings of injustice by one of the parties. Contrasting with

that is a dispute settling method called "give-a-little, get a little," a method found in societies "where parties want or must have continuing interactions of a non-antagonistic nature after the dispute [and] must leave the dispute-settlement procedures without too great a sense of grievance" (Chambliss and Seidmann, 1982:39).

The important question is whether it is possible to introduce a "give-a-little, get-a-little" model of justice into a heterogeneous society marked by sometimes deep, complex normative divisions and conflicting interests. This is not to suggest that such a model cannot be found in our society (Chambliss and Seidman note the case of business persons v. customers whose patronage continues to be sought), only that it is atypical. The issue is how to encourage greater utilization of this style, an issue rendered difficult since much more than a simple matter of style is involved. If a humanistic system is one in which differences are tolerated or resolved in an atmosphere of compromise, how can we extend the spirit of compromise (hence, "give-a-little, get-a-little") into the settlement of matters revolving about norm enforcement ("winner-takes-all")? As Chambliss and Seidman note, in societies like our own, where extensive role differentiation exists and the number of norms increases accordingly, dispute settlement becomes more complicated; consequently, a "winner-takes-all" method may be necessary in order to maintain the social fabric. If so, the very nature of social relations may preclude realization of a humanistic system of justice. Certainly we cannot resolve the issue here, but perhaps it is the most fundamental issue with which humanistic criminologists must come to grips.

There are additional issues to be considered. For criminology to truly serve human needs the current definition of "doing criminology" as well as orthodox definitions of crime and criminality must change. This suggestion has multiple implications. First, as we've seen, the dehumanizing positivistic approach

that emphasizes scientific causality is well suited to promote conformity and validate the idea that humans are automatons (Galliher and McCartney, 1973; Pepinsky, 1982). This is reflected in orthodox criminology's continuing preoccupation with reducing criminality and increasing social control. Reflecting those concerns too, is the tendency to invoke evermore sophisticated examples of "pathological" elements -- be they biological, psychological/psychiatric, or social -- as causative. Rarely, if ever, is there a conscious reflection on and repudiation of the intellectually vacuous proposition that "evil causes evil." This is especially noticeable in the current work of psychophysicologists and sociobiologists where one finds the most up-to-the-minute expressions of degeneration theory (Hahn, 1978). As an alternative, and to promote the goals of a humanistic criminology, there must be a conscious effort to amend the apparently fruitless singular quest for scientific causes in order to focus on how (rather than simply why) people act as they do. That is, in the Weberian sense of the term, what motivates people to respond in particular ways; what is the nature of the rationalizing behaviors people engage in to construct and negotiate meaning in their respective situations?

Second, to everlastingly seek the antecedents of behavior perpetuates the myth of dualism; the traditional search for causes lends credence to the notion of objective and essential human differences, and affords that orientation a cloak of legitimacy only science can provide. In their search for scientific causes a la positivism, practitioners are led to differentiate offenders from non-offenders and deal with the former as "basically and thoroughly different" from others. As Schur (1979:49) has noted, it is a well rooted tradition in our society to think of offenders as a "breed apart" but usually a "breed" of lower order organisms. While repugnant in general, such a perspective is particularly antithetical to a humanistic orientation resting on a foundation of social causality (Quinney, 1970:6-7).

Linked to this is the need to effect a model of behavior that is faithful to the human condition, one that stresses ". . . the human being as subject/actor who . . . is an active, choosing responsible architect of self" (Goodwin, 1983:223). Is it possible to accurately describe and understand patterns of action without linking them with people's intentions, decisions and judgments? Can we have a criminology that is faithful to the human condition if it ignores the fact of human agency? Isn't it a bit contradictory to portray humankind as interactional organisms, while simultaneously pursuing allegedly objective, deterministic causes? To effect a humanistic criminology it is essential that human consciousness and purpose as elements of explanation replace the manipulation of variables with which orthodoxy is so concerned (Gove, 1980:15-19).

Lastly, a word on the justice of administration. There is little doubt that millions of Americans are disenchanted with our system of justice. This disenchantment rests on several grounds, including the belief that the justice system is illsuited to assist people in resolving the sorts of daily problems they experience constantly in a consumption society. While not limited to them, these problems often include matters involving consumers and other relatively powerless entities confronting the awesome power of remote and impersonal corporations. Laura Nader (1980) refers to these matters as "little injustices," a term that nicely (though, perhaps, unintentionally) conveys the fact that the judicial system assigns relatively less importance, time, energy, and personnel to these problems than to others, and is generally irrelevant to the needs and goals of complainants. As such, that system is out of touch with people's needs and sense of justice. In response to their unmet needs the public in countless cases has turned to a wide variety of extrajudicial sources for relief, ranging from the Better Business Bureau and local representatives of the media, to Ralph Nader's Center for the Study of Responsive Law and the Consumer Complaint Research Center. Members of the

public are also taking direct action, including establishing alternative extra-legal "courts" through which they may obtain meaningful resolutions of their legal problems. The point of this is that if justice is to be humanized rather than merely made more organizationally efficient, it seems necessary to develop a wide range of alternatives to the existing bureaucracy, including the use of lay judges (N.Y. Times, 10/27/83:12), neighborhood courts, and other innovative conflict-resolving mechanisms.¹⁰ Despite the apparent interest in, need for, and history of such innovative alternatives, critics persist in maintaining that such unorthodox programs "have no place in a fair, modern judicial system" (N.Y. Times, 10/27/83:12). It goes without saying that such critics often represent the interests of the established court system and the legal profession, and oppose the creation of a more responsive and humanistically oriented justice system.

CONCLUSION

Let me bring this to a close. I have focused on several features of the criminological enterprise that I believe identify it as decidedly non-humanistic. In taking this position, I recognize that the enterprise is a "mixed bag" as befits a pluralistic society and that within the larger enterprise, one finds point and counterpoint. While acknowledging that, I submit that the dominant orientation is away from humanism.

We are presently establishing and effectively rationalizing neo-classicism, an orientation that serves to rationalize a public policy aimed at controlling crime in the name of social defense (Ancel, 1965; Wilson, 1975, 1983; Greenwood, 1982 and 1984). Call it deterrence or selective incapacitation (euphemisms, to be sure), the current tendency reflects the same intellectual orientation that gave us sex psychopath laws and habitual offender laws (Jeffery, 1972:481). Consistent with that, legislatures are straining every fiber and turning every rock in search of funds to finance the

construction of more and larger prisons to house growing inmate populations for ever longer periods (N.Y. Times, 9/29/83:11). Reflecting similar tendencies, Chief Justice Warren Burger, with no apparent awareness of the inherent contradiction, has lent the authority of his office to legitimating vengeance and retribution in the name of achieving community solidarity and forestalling "mass neurosis" (Arizona Republic, 10/21/83:A-1). And this is a time when fundamental principles such as the prohibition against granting police power to the military is being reversed in the name of fighting crime (Arizona Republic, 1/16/82:A-20). The examples, all reflecting a non-humanistic orientation, seem endless.

Further, I have suggested a variety of conditions that must be dealt with if humanism is ever to be more than a tolerated, but largely irrelevant, orientation. These suggested conditions, when viewed in context, lead me to contend that existing crime control policies (and their legitimating ideology) reflect the kind of social organization we have created. These elements are in harmony. Ours is a crime control policy that focuses rather exclusively on restraining offenders rather than on more humanistic matters such as creating conformity (Michalowski, 1985:51), healing social wounds and repairing the social fabric. Current policy aspires to promote social control by means of coercion (punishment or the threat of it) rather than by seeking to institute social arrangements leading to willful cooperation and conformity. Given this condition, it is my sense that the distinction between coercive restraint and willing conformity is one that largely falls on deaf ears in the criminological fraternity. The consciousness of most criminologists obliges them to pursue knowledge concerning "criminal man" rather than the criminogenic society. The result needs no further elaboration. Stated most simply, I question whether it is possible to change contemporary criminology without transforming the social order from which it springs.

Beyond that, I perceive a potentially more ominous condition that may take us ever farther from a course of institutionalized humanism, viz., the erosion of freedom as a consequence of our entry into the nuclear age, the threat of nuclear war, and the need to guard against unauthorized access to radioactive material (Az. Republic, 9/13/85). Linked to this development is the emergence of the national security state and a "...supporting set of values and behaviors that are proving inimical to the practice of democracy" (Hardert, et al, 1984:398). Of relevance to our concern with criminology is that these "values and behaviors" neatly compliment the post-1960's expansion of proactive policing (including, especially, the escalation of "sting" operations) and a significant expansion of police use of agents provocateur (Wise, 1976; Marx, 1974 and 1981). Thus, the criminological enterprise currently exists in a context that calls for greater and greater surveillance and control (and an appropriate official apparatus¹¹). In this effort, the humanizing arts are increasingly subordinate to technological superiority just as there is a diminution of the "democratic ethos of liberty, equality and tolerance" (Hardert, 1984:399). I am aware of no change in society in the direction of humanism that is at all comparable to the foregoing.

Thus, not only does the criminologic tradition lack strong humanistic inclinations, but at present we seem to be exhibiting conditions and a consciousness (a police state mentality) that are especially anti-humanistic. Given these conditions and trends, my answer to the question with which we began -- what are the immediate future prospects of a humanistic criminology? -- is that they are bleak, indeed. I am of the opinion that our highly touted "open society" is fast becoming "closed." As the bureaucratization of society increases and the interstices between the limits of institutional existence become smaller and fewer in number, the opportunity for people to exist without organizational restrictions declines apace; organizational hegemony and humanism tend to be

mutually exclusive. This seems especially true when social control agencies assume preponderant influence.

NOTES

1. Two examples of how humanistic concerns receive minimal (or, perhaps, distorted) expression in policy are victim compensation and diversion. In the former, compensation most often gets expressed in dehumanized terms by placing a monetary value on victim suffering. In the case of juvenile justice diversion programs, a major consequence has been a new and larger criminal justice "net." Though intended to keep juveniles out of the justice system, diversion programs have been so preempted by police departments that such efforts have led to the "...sour conclusion that not only have the purposes of diversion been perverted but, moreover, police power has been extended over youths and types of behavior not previously subject to control" (Lemert, 1981:43; Empey, 1982:482).
2. "Radical" is used here in its etymological sense of getting to the root of things. I suspect the roots of many criminological problems lie in what, in retrospect, seems to be the uncritical (i.e., nonradical) way the problem of crime has always been handled and studied.
3. It is worth noting that bureaucracies not only generate rules and regulations governing their own operations, but a cadre of rule enforcers as well. More than simple rule enforcement is involved, however. Existing in a larger environment in which non-bureaucratic values, definitions, ethics, etc., prevail, functionaries are often tempted to ignore rules, do favors, or otherwise operate outside the formal regulatory boundaries of the agency. Thus, agency rules and

their ethical antithesis set the stage for a new layer of "criminality." On the one hand, the price of loyalty to the agency is the sacrifice of humanistic ethics. On the other hand, adherence to humanistic ethics is achieved at the price of being labeled untrustworthy. In this sense, the phenomenon of the "whistle blower" is instructive. In any case, agency personnel often find themselves pressured by operating in a "no win" situation.

4. Texts included were: Hugh D. Barlow, 1984; Robert L. Bonn, 1984; John Conklin, 1981; Charles McCaghy, 1980; William B. Sanders, 1983; Larry J. Siegel, 1983; Gresham M. Sykes, 1978; John F. Galliher and James L. McCartney, 1977; Clayton A. Hartjen, 1978; Edwin H. Sutherland and Donald Cressey, 1978; Sue Titus Reid, 1981; Peter Wickman and Phillip Whitten, 1980.
5. A recent departure from this is James Q. Wilson's (1975, 1983) dismissal of the need to understand the causes of crime as a precondition of intelligent social policy.
6. As Irwin Deutscher (1973:106) notes, we have reached the point when validity is not only less important than reliability, but when it is assumed to be a function of reliability. An immediate example of this is the series of articles published in leading sociology journals dealing with the so-called "Werther effect" in suicides (Phillips, 1974) and subsequent articles by Phillips on the relation of violent behavior and mass media (Phillips, 1977, 1978, 1979, 1980a, 1980b, 1982a, 1982b, 1983). Despite at least two responses to Phillips' work (Kobbervig, Inverarity and Lauderdale, 1982 and Altheide, 1981) showing its lack of theoretical foundation, it was only recently that a rejoinder to Phillips' work appeared giving it the extensive criticism it deserved. Sadly, however, the argument continues to revolve largely around

methodological concerns (Baron and Reiss, 1985a and 1985b; Phillips and Bollen, 1985) and ignores the dehumanizing assumptions that inform Phillips' work.

7. The most recent variation on this theme involves acknowledging the widespread nature of criminality while simultaneously focusing on the "high rate offenders", a tactic resting on the belief that "high rate offenders", who may or may not be substantively different from others, can be adequately (but not perfectly) identified simply by examining their criminal history. Those identified as "high rate offenders" are then seen as candidates for selective incapacitation. In any case, the distinction between "high rate offenders", about whom we ought to be concerned, and others who apparently are not a serious threat, seems to be the latest version of the old notion of the "dangerous classes". (See: Greenwood, 1982 and 1984).
8. The tendency toward dogmatism is most often hidden behind a facade of scientific and intellectual dignity and impartiality. At times our biases show through, however, as when radical or critical criminology theory is captioned and referred to categorically as "leftist" (see Nettler, 1984:186ff). The capacity of such terms to "poison the well" is too obvious to require comment.
9. The instance leading to the qualifying "usually" is white-collar crime.
10. Reference to the need for alternatives to bureaucratic systems needs to be tempered by an appreciation for the long-standing tendency for people to resolve conflicts without recourse to law and formal litigation. For commentary on this practice, see: Auerbach, 1983; N.Y. Times, 2/13/83.

11. In this context I am reminded of news stories of President Reagan's proposals for "anti-terrorist legislation," allegedly based on the rationale that terrorism poses an immediate threat to "our way of life." And in my own state a cadre of "anti-terrorist" police were trained to counter anticipated terrorist activity during the 1984 summer Olympic games in Los Angeles. In addition to the mentality leading to this type of effort is the question of how these forces and laws will be dismantled or rescinded and, once created, whether they may not serve to "facilitate" the very conditions they were intended to combat (Marx, 1981).

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